vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.2053 OF 2007**

Jal Abhiyanta, Water Supply
Department & Anr. ... Petitioners

vs.

Arvind Ganpati Yadav ... Respondent

a/w

**WRIT PETITION NO.2054 OF 2007**

Jal Abhiyanta, Water Supply
Department & Anr. ... Petitioners

vs.

Anandi Dattatraya Parti ... Respondent

a/w

**WRIT PETITION NO.2055 OF 2007**

Jal Abhiyanta, Water Supply
Department & Anr. ... Petitioners

vs.

Krishnat Dattatraya Jadhav ... Respondent

a/w

**WRIT PETITION NO.2056 OF 2007**

Jal Abhiyanta, Water Supply
Department & Anr. ... Petitioners

vs.

Satappa Lahu Kamble ... Respondent

a/w

**WRIT PETITION NO.2057 OF 2007**

Jal Abhiyanta, Water Supply
Department & Anr. ... Petitioners

vs.

Tanaji Balu Tivale ... Respondent

a/w

**WRIT PETITION NO.2058 OF 2007**

Jal Abhiyanta, Water Supply
Department & Anr. ... Petitioners

vs.

Rajaram Shankar Kadam ... Respondent

a/w

**WRIT PETITION NO.2059 OF 2007**

Jal Abhiyanta, Water Supply
Department & Anr. ... Petitioners

vs.

Shrikant Dinkar Jadhav ... Respondent

and

**WRIT PETITION NO.2060 OF 2007**

Jal Abhiyanta, Water Supply
Department & Anr. ... Petitioners

vs.

Nivrutti Kerba Shinde ... Respondent

Mr.S.S. Patwardhan for Petitioners
Mr.M.S. Topkar for Respondent in all petitions

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 10, 2007**

**P.C.:**

. These petitions challenge the order passed by the Industrial Court whereby the Industrial Court has held that the petitioners have engaged in unfair labour practices under Items 5, 6 and 9 of Schedule IV of the MRTU & PULP Act. The respondents were employed as daily wage earners on compassionate grounds. They have worked

from 27.10.1993 onwards. However, they have not been made permanent. It is for this reason that complaints were filed under Items 6 and 9 of Schedule IV the MRTU & PULP Act. In case of Item 5, it was pleaded that certain other employees had been made permanent although they were initially employed on compassionate grounds.

2. In my view, the Industrial Court has committed no error as it has found that the Respondents have worked continuously for more than 240 days in each calendar year. The Industrial Court has considered the provisions of Model Standing Order 4C and has held that the respondents are entitled to be made permanent in service. Violation of Model Standing Order 4C is an unfair labour practice under Item 9 of Schedule IV of the MRTU & PULP Act. The submission of the learned Advocate for the Petitioners that the Respondents had no vested right to be made permanent when they have been appointed on compassionate grounds is fallacious. Permanency was not sought on compassionate grounds but in view of the fact that the Resondents were entitled to that status as a matter of right, having completed 240 days in service.

3. In these circumstances, the Industrial Court has rightly concluded that the petitioners have committed unfair labour practices. Petitions are, therefore,

rejected.